
SENATE BILL 5063

State of Washington

57th Legislature

2001 Regular Session

By Senators Patterson and Winsley

Read first time 01/10/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to limited public works; and amending RCW
2 39.04.155.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 39.04.155 and 2000 c 138 s 101 are each amended to
5 read as follows:

6 (1) This section provides uniform small works roster provisions
7 to award contracts for construction, building, renovation,
8 remodeling, alteration, repair, or improvement of real property
9 that may be used by state agencies and by any local government
10 that is expressly authorized to use these provisions. These
11 provisions may be used in lieu of other procedures to award
12 contracts for such work with an estimated cost of two hundred
13 thousand dollars or less. The small works roster process includes
14 the limited public works process authorized under subsection (3)
15 of this section and any local government authorized to award
16 contracts using the small works roster process under this section
17 may award contracts using the limited public works process under
18 subsection (3) of this section.

1 (2)(a) A state agency or authorized local government may create
2 a single general small works roster, or may create a small works
3 roster for different specialties or categories of anticipated
4 work. Where applicable, small works rosters may make distinctions
5 between contractors based upon different geographic areas served
6 by the contractor. The small works roster or rosters shall consist
7 of all responsible contractors who have requested to be on the
8 list, and where required by law are properly licensed or
9 registered to perform such work in this state. A state agency or
10 local government establishing a small works roster or rosters may
11 require eligible contractors desiring to be placed on a roster or
12 rosters to keep current records of any applicable licenses,
13 certifications, registrations, bonding, insurance, or other
14 appropriate matters on file with the state agency or local
15 government as a condition of being placed on a roster or rosters.
16 At least once a year, the state agency or local government shall
17 publish in a newspaper of general circulation within the
18 jurisdiction a notice of the existence of the roster or rosters
19 and solicit the names of contractors for such roster or rosters.
20 In addition, responsible contractors shall be added to an
21 appropriate roster or rosters at any time they submit a written
22 request and necessary records. Master contracts may be required to
23 be signed that become effective when a specific award is made
24 using a small works roster.

25 (~~(3)~~) (b) A state agency establishing a small works roster or
26 rosters shall adopt rules implementing this (~~section~~)
27 subsection. A local government establishing a small works roster or
28 rosters shall adopt an ordinance or resolution implementing this
29 (~~section~~) subsection. Procedures included in rules adopted by the
30 department of general administration in implementing this
31 (~~section~~) subsection must be included in any rules providing for
32 a small works roster or rosters that is adopted by another state
33 agency, if the authority for that state agency to engage in these
34 activities has been delegated to it by the department of general
35 administration under chapter 43.19 RCW. An interlocal contract or
36 agreement between two or more state agencies or local governments
37 establishing a small works roster or rosters to be used by the

1 parties to the agreement or contract must clearly identify the
2 lead entity that is responsible for implementing the provisions of
3 this (~~(section)~~) subsection.

4 (~~(4)~~) (c) Procedures shall be established for securing
5 telephone, written, or electronic quotations from contractors on
6 the appropriate small works roster to assure that a competitive
7 price is established and to award contracts to the lowest
8 responsible bidder, as defined in RCW 43.19.1911. Invitations for
9 quotations shall include an estimate of the scope and nature of
10 the work to be performed as well as materials and equipment to be
11 furnished. However, detailed plans and specifications need not be
12 included in the invitation. This (~~(section)~~) subsection does not
13 eliminate other requirements for architectural or engineering
14 approvals as to quality and compliance with building
15 codes. Quotations may be invited from all appropriate contractors
16 on the appropriate small works roster. As an alternative,
17 quotations may be invited from at least five contractors on the
18 appropriate small works roster who have indicated the capability
19 of performing the kind of work being contracted, in a manner that
20 will equitably distribute the opportunity among the contractors on
21 the appropriate roster. However, if the estimated cost of the work
22 is from one hundred thousand dollars to two hundred thousand
23 dollars, a state agency or local government, other than a port
24 district, that chooses to solicit bids from less than all the
25 appropriate contractors on the appropriate small works roster must
26 also notify the remaining contractors on the appropriate small
27 works roster that quotations on the work are being sought. The
28 government has the sole option of determining whether this notice
29 to the remaining contractors is made by: (~~(a)~~) (i) Publishing
30 notice in a legal newspaper in general circulation in the area
31 where the work is to be done; (~~(b)~~) (ii) mailing a notice to
32 these contractors; or (~~(c)~~) (iii) sending a notice to these
33 contractors by facsimile or other electronic means. For purposes of
34 this subsection (2)(c), "equitably distribute" means that a state
35 agency or local government soliciting bids may not favor certain
36 contractors on the appropriate small works roster over other
37 contractors on the appropriate small works roster who perform
38 similar services.

1 (~~(5)~~) (d) A contract awarded from a small works roster under
2 this section need not be advertised.

3 (~~(6)~~) (e) Immediately after an award is made, the bid
4 quotations obtained shall be recorded, open to public inspection,
5 and available by telephone inquiry.

6 (~~(7)~~) (3) In lieu of awarding contracts under subsection (2)
7 of this section, a state agency or authorized local government may
8 award a contract for work, construction, alteration, repair, or
9 improvement project estimated to cost less than thirty-five
10 thousand dollars using the limited public works process provided
11 under this subsection. Public works projects awarded under this
12 subsection are exempt from the other requirements of the small
13 works roster process provided under subsection (2) of this section
14 and are exempt from the requirement that contracts be awarded
15 after advertisement as provided under RCW 39.04.010.

16 For limited public works projects, a state agency or authorized
17 local government shall solicit electronic or written quotations
18 from a minimum of three contractors including a certified minority
19 or certified woman-owned contractor, when practicable and to the
20 extent permitted by the Washington state civil rights act, RCW
21 49.60.400, and shall award the contract to the lowest responsible
22 bidder as defined under RCW 43.19.1911, even if only one quotation
23 is received, or reject all quotations. After an award is made, the
24 quotations shall be open to public inspection and available by
25 electronic request. A state agency or authorized local government
26 shall attempt to distribute opportunities for limited public works
27 projects equitably among contractors willing to perform in the
28 geographic area of the work. A state agency or authorized local
29 government shall maintain a list each biennium of the contracts
30 awarded under the limited public works process, including the name
31 of the contractor, the amount of the contract, a brief description
32 of the type of work performed, and the date the contract was
33 awarded. For limited public works projects, a state agency or
34 authorized local government may waive the payment and performance
35 bond requirements of chapter 39.08 RCW and the retainage
36 requirements of chapter 60.28 RCW, thereby assuming the liability
37 for the contractor's nonpayment of laborers, mechanics,
38 subcontractors, materialmen, suppliers, and taxes imposed under

1 Title 82 RCW that may be due from the contractor for the limited
2 public works project, however the state agency or authorized local
3 government shall have the right of recovery against the contractor
4 for any payments made on the contractor's behalf.

5 (4) The breaking of any project into units or accomplishing any
6 projects by phases is prohibited if it is done for the purpose of
7 avoiding the maximum dollar amount of a contract that may be let
8 using the small works roster process or limited public works
9 process.

10 ((+8)) (5) As used in this section, "state agency" means the
11 department of general administration, the state parks and
12 recreation commission, the department of natural resources, the
13 department of fish and wildlife, the department of transportation,
14 any institution of higher education as defined under RCW
15 28B.10.016, and any other state agency delegated authority by the
16 department of general administration to engage in construction,
17 building, renovation, remodeling, alteration, improvement, or
18 repair activities.

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